



Civil Miscellaneous Application No. 155/2022

(C.N.R. - MHJG19 - 000807 - 2022)

(Harsha Patil and others V/s No one)

Order passed below Exh. No. 1

- 1) This application has been filed seeking issuance of heir-ship certificate under the Bombay Regulation, 1827.
- 2) Applicants state in their application that, deceased Bhanudas Bhimrao Patil was the husband of the applicant No. 1 and father of applicants No. 2 and 3. Bhanudas Bhimrao Patil was died on 19/02/2018 leaving behind applicants as legal-heirs. Nobody is the other heir to the deceased Bhanudas Bhimrao Patil except them. On this basis, they pray for issuance of heir-ship certificate to administrate the property stands in the name of deceased.
- 3) Public notice has been duly published in daily newspaper “Lokshahi” dated 10/11/2022 inviting objections, if any, from interested people to grant heir-ship certificate in the name of applicants. Proclamation has been duly published in the locality, where the deceased was residing before his death. Nobody appeared to raise the objection to this application.
- 4) The applicant has filed an original copy of death certificate of deceased Bhanudas Bhimrao Patil, 7x12 extract of Gat No. 215/1 at village Dhulpimpri, Tal. Parola, Dist. Jalgaon, verified copies of their

Aadhar Cards and ze-rox copy of their Ration Card. The fact that, Bhanudas Bhimrao Patil was died on 19/02/2018 as mentioned in the application, is substantiated. The applicant No. 1 has filed her affidavit of evidence at Exh. No. 14. She has reiterated the fact that after death of Bhanudas Bhimrao Patil, they all applicants are the only heirs. Her evidence has been remained unchallenged. Also, there is no objection by anyone to challenge heir-ship of the applicant. Therefore, applicants are entitled for heir-ship certificate.

5) The object of the Bombay Regulation, 1927 is to provide for the formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of property by the Courts. The Hon'ble Bombay High Court in the case of **In Re : Ganpati Vinayak Achwal (MANU/MH/1485/2014)** held as follows :-

“The position of law that emerges from the above provisions is that, an heir-ship certificate does not bestow the status of an heir upon a person. Grant of such a certificate is only a formal recognition of his existing status as an heir. An heir or executor or legal administrator, by his such status, can assume management of the property of the deceased even without a formal recognition by the Court. A person may obtain heir-ship certificate in any of the three situations i.e. (i) if he so desires (ii) where his right as an heir is disputed, and (iii) in order to give confidence to the persons in possession of or indebted to the estate and to deal with them. Thus grant of heir-ship certificate is solely, for the convenience of the heir. Beyond that, it is of no significance. The rules also indicate that, it is mandatory for the Court to issue an heir-ship

certificate, if after publication of citation, no objector comes forward within one month from the date of publication. In that case, the Court shall forthwith receive such proof as may be offered of the right of the person making the claim, and if satisfied, shall grant a certificate in the prescribed form declaring him the recognized heir of the deceased. The scope of such enquiry is limited to ascertain the claim of heir-ship of the applicant. The petitioner's claim and the impugned order are required to be appreciated against the above legal position."

6) Applicants, in their application, for entering their names in Ration Card and for deleting the name of deceased Bhanudas Bhimrao Patil, they are in need of heir-ship certificate. The material on record shows that, applicants are only the heirs of deceased. No one has objected his claim. Those facts are sufficient to grant heir-ship certificate in favour of the applicant by formally recognizing them as heirs of deceased Bhanudas Bhimrao Patil. Hence, following order is passed :-

Order

1. The application is allowed.
2. Applicants are recognized formally as heirs of deceased Bhanudas Bhimrao Patil in respect of entering their names in Ration Card and for deleting the name of deceased Bhanudas Bhimrao Patil only.
3. Applicants do furnish a bond that as and when, they are called upon, they would exhibit in the Court a full and true inventory of all the property and credits in the possession under this certificate and also render to the Court a true account of the said property and credits, showing the

assets, which have come to their hands and the manner, in which, they have been applied or disposed of.

4. Certificate be issued in the names of applicants on furnishing proper Court fees as per rules.
5. Concern Office, where this certificate is to be used, shall take note that the said certificate is only issued for the administration of above mentioned property and it can not be used for any kind of monetary benefits.

(M.S. Quazi)

Date : 16/06/2023.

Civil Judge, Junior Division, Parola,
Tal. Parola, Dist. Jalgaon.